

# MAYOR & COUNCIL AGENDA COVER SHEET

## MEETING DATE:

May 5, 2003

## RESPONSIBLE STAFF:

**Mark DePoe**  
**Long Range Planning Director**

## AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing: <b>**Joint**</b>
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

## PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	4/18/2003
	4/25/2003
	4/30/2003
Hearing Date	5/5/2003
Record Held Open	
Policy Discussion	

## TITLE: SDP-03-003

Joint Public Hearing on SDP-03-003, Schematic Development Plan for MedImmune – Phase II and III, in the Quince Orchard Park development.

## SUPPORTING BACKGROUND:

The applicant, MedImmune, Inc. (Randall Turner), has submitted a Schematic Development Plan (SDP) application SDP-03-003. The application requests approval of a SDP, known as MedImmune – Phase II and III, in the Quince Orchard Park (QOP) development in Gaithersburg, Maryland. The plan includes a 3 to 5 story office/laboratory buildings, a 5 level parking garage with approximately 1,623 spaces and surface parking on 22.80 acres (or 993,187 square feet) of land. The 22.80 acre parcel is adjacent to and north of Great Seneca Highway and south of Orchard Ridge Drive in the Ridges section of the QOP development in the Mixed Use Development (MXD) Zone. The 1997 Master Plan, Neighborhood Four, designates the Ridges as commercial /industrial-research-office use.

On December 17, 2001, the Mayor and City Council approved Zoning Map Amendment Z-275(C) transferring 355,000 square feet of potential development from the Meadows to the Ridges section of the QOP development to allow for the future build-out of the 750,000 sq. ft. MedImmune corporate facility. SDP-01-002 to allow for MedImmune – Phase I was approved by the Mayor and City Council on July 2, 2001. The Planning Commission approved the site plan SP-01-0010 on August 15, 2001 for Phase I of the MedImmune project consisting of 218,700 sq. ft. of office and laboratory space.

Planning Commission recommendation is tentatively scheduled for May 21, 2003. The Mayor and Council policy discussion is tentatively scheduled for June 2, 2003.

### Attached:

- Exhibit 1: SDP Application
- Exhibit 2: Z-275(C) Approval Ordinance O-17-01
- Exhibit 3: Fourth Amendment to Annexation Agreement X-129
- Exhibit 4: Fifth Amendment to Annexation Agreement X-129
- Exhibit 5: SDP-01-001 Approval Resolution R-62-01
- Exhibit 6: Legal Advertisements
- Exhibit 7: MedImmune SDP

## DESIRED OUTCOME:

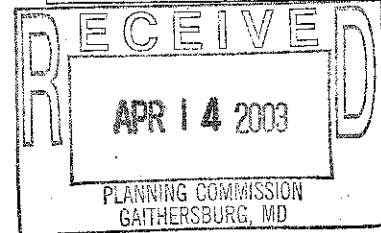
**Hold Record Open: Planning Commission 10 days (May 16); Mayor and City Council 22 days (May 28).**

# SITE PLAN APPLICATION

In accordance with Article III, Division 19, Section 24-160 D.9  
and Article V of the City Code

- ☐ CONCEPT  
☐ PRELIMINARY  
☐ FINAL (MXD FEE APPLIES)  
☒ SCHEMATIC DEVELOPMENT

Application #	SDP-03-003
Date Filed	4-19-03
Total Fee	2,500.00



## 1. SUBJECT PROPERTY

Project Name Quince Orchard Park - MedImmune (The Ridges)  
 Street Address Quince Orchard Drive  
 Zoning MXD Historic area designation ☐ Yes ☒ No  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Tax Identification Number (MUST BE FILLED IN) 02304605

## 2. APPLICANT

Name MedImmune, Inc. (Attn: Mr. Randall Turner)  
 Street Address 35 W. Watkins Mill Road Suite No. \_\_\_\_\_  
 City Gaithersburg State MD Zip Code 20878  
 Telephones: Work 301-527-4458 Home N/A

## 3. CITY PROJECT NUMBER

Original Site Plan Number (if applicable) N/A  
 Name of previously approved Final Plan (if applicable) N/A

## 4. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name CMSS Architects, P.C.  
 Architect's Maryland Registration Number \_\_\_\_\_ Telephone 703-481-6677  
 Street Address 11911 Freedom Drive Suite No. 750  
 City Reston State VA Zip Code 20190

Engineer's Name Macris, Hendricks & Glascock, P.A. Brian Donnelly  
 Engineer's Maryland Registration Number 21774 Telephone 301-670-0840  
 Street Address 9220 Wightman Road Suite No. 120  
 City Montgomery Village State MD Zip Code 20886

Developer's Name Quadrangle Development Corporation Telephone 202-393-1999  
 Street Address 1001 G Street, NW Suite No. \_\_\_\_\_  
 City Washington State DC Zip Code 20001  
 Contact Person \_\_\_\_\_

## 4. PROPERTY OWNER

Name General Electric Real Estate Corp., c/o Quadrangle Development  
 Street Address 1001 G Street, NW Suite No. \_\_\_\_\_  
 City Washington State DC Zip Code 20001  
 Telephones: Work \_\_\_\_\_ Home \_\_\_\_\_

continued on reverse side



**6. PRIMARY USE**☐ Mixed Use☐ Non-Residential☐ Residential**7. PROPOSED UNIT TYPE**☐ Mixed Use☐ Retail/Commercial☐ Other☐ Office/Professional☐ Residential Multi-Family☐ Restaurant☐ Residential Single Family**8. WORK DESCRIPTION**

Construct 524,500 sq. ft. of Office/Lab space, Surface and Structured Parking, associated utilities, Landscaping, and Lighting

**9. PROJECT DETAIL INFORMATION.** Please supply the following information

DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site (square feet)			993,187 sq. ft.
2. Site Area (acres)			22.80
3. Total Number of Dwelling Units/Lots			1
4. Height of Tallest Building		100'	5 stories (<100')
5. Green Area (square feet)		248,297	434,190
6. Number of Dwelling Units/Acre			N/A
7. Lot Coverage (Percent)			35%
8. Green Area (Percent)		25%	43%
9. Residential			N/A
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		
e. Other			
10. Retail/Commercial	Sq. Ft.		N/A
11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	Sq. Ft.		N/A
12. Office/Professional	Sq. Ft.		406,500
13. Warehouse/Storage	Sq. Ft. LAB		120,000
14. Parking		2339	2506
15. Shared Parking/Waiver			
16. Other			
17. Total			

**SUBMISSION REQUIREMENTS**

1. Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
2. Completion of the table above.
3. Completed checklist.
4. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print) Brian Donnelly

Applicant's Signature Brian Donnelly

Daytime Telephone 301-670-9810

Date 4/14/03

ORDINANCE NO. 0-17-01

AN ORDINANCE TO AMEND THE PREVIOUSLY  
APPROVED SKETCH PLAN Z-275(B) AS PART OF THE APPLICATION  
Z-275 RECLASSIFICATION TO THE MXD ZONE  
FOR THE PROPERTY KNOWN AS "QUINCE ORCHARD CORPORATE  
PARK", LOCATED NORTH OF GREAT SENECA HIGHWAY AND SOUTH OF  
ORCHARD RIDGE DRIVE, GAITHERSBURG, MARYLAND

Z-275(C)

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that they find the following facts from the evidence of record in the Zoning Map Amendment application Z-275(C).

1. The original application (Z-275), filed by General Electric Real Estate Corporation, et al, was approved for reclassification of property known as "Quince Orchard Corporate Park", containing 173.87 acres of land, from the I-3 (Industrial Office Park) Zone to the MXD (Mixed Use Development) Zone, as well as the approval of the accompanying sketch plan for overall development of the property. The property was annexed into the City of Gaithersburg in 1982 (Resolution R-60-82). Ordinance No. O-22-93 approved the sketch plan for Quince Orchard Corporate Park on December 20, 1993 as part of the Zoning Map Amendment application Z-275. This map amendment divided the property into six (6) sections known as the Crescent, Summit, Vista, Parklands, Meadows and the Ridges, each with different maximum density of use.

2. On May 8, 1998, Quadrangle Development Corporation submitted an application to amend the residential final site plan for Phase I (S-1044) by requesting a change in the housing mix and house type. Due to the proposed change in use with the change in house type and mix, amendments to the sketch plan and SDP were required. On July 6, 1998, the Mayor and City Council approved Ordinance No. O-7-98 for Z-275(A) amending the previously approved sketch plan.

3. On September 26, 2000, Arbee Associates, requested an amendment to the approved Sketch Plan Z-275(A). The amendment did not involve a change of use, but requested a revision to the height restriction on the Crescent section from one-story to two-story office building. On October 4, 2000, the Planning Commission approved an amendment to the Quince Orchard Park sketch plan Z-275(B) to allow office buildings to be up to two stories in height within the Crescent section.



The Z-275(B) Sketch Plan for the Ridges section consists of approximately 34.6 acres and is designated for 300,000 - 500,000 square feet of office use and allows for a building height of 4-7 stories. The Z-275 Sketch Plan for the Meadows section consists of approximately 25.9 acres and is designated for 600,000 - 900,000 square feet of office/retail use and allows for a building height of 5-10 stories. Existing in the Ridges section is an approved three-story 105,000 square foot office building. The 1997 Master Plan, Neighborhood Four, designates the Ridges and Meadows as commercial/industrial-research-office use.

4. On May 31, 2001 Quadrangle Development Corp. ("applicant"), on behalf of the General Electric Real Estate Corporation requested approval of an amendment to the Sketch Plan, known as Quince Orchard Park development in Gaithersburg, Maryland. The plan proposes to transfer 355,000 square feet of future development from the Meadows section to the Ridges section of the Quince Orchard Park development. Both the Meadows and the Ridges sections are located north of Great Seneca Highway and south of Orchard Ridge Drive in the Mixed Use Development (MXD) Zone.

5. The Mayor and City Council and the Planning Commission held a joint public hearing on the proposed Sketch Plan Amendment Z-275(C) on July 16, 2001. The Mayor and Council and held the record open indefinitely while the Planning Commission closed the record as of November 3, 2001. At the public hearing, testimony was received from interested and affected parties regarding the sketch plan amendment. The Planning Commission formulated its recommendations on November 7, 2001 and forwarded their recommendation with conditions of approval to the Mayor and City Council for Z-275(C) including staff's considerations as listed in the staff analysis dated November 7, 2001.

The proposed range of square footage allowed within the Meadows pursuant to this sketch plan amendment is to be revised from 245,000 - 545,000 square feet to 150,000 - 350,000 square feet. The purpose for the transfer is to provide additional square footage for the future build-out of the Medimmune project. After the completion of the Medimmune project and the completion of all remaining approved site plans, there will not be 545,000 square feet available from the allowed 1,950,000 square feet of development within the Quince Orchard Corporate Park development. There will be approximately 325,420 square feet of allowable density remaining as more fully explained in the staff analysis dated November 7, 2001.

The permitted building height of 5-10 stories within the Meadows section is to be revised to 3-8 stories, with particular attention paid to the separation between any building above six (6) stories and the adjacent residential uses. With the remaining density of 325,420 square feet for future development, it is unlikely that a 10-story building would be built with approximately 30 acres of developable land remaining in the Quince Orchard Park development. This will also reduce the possible future impact on the adjacent residential development.

6. The City Council carefully reviewed the evidence of record and considered all submitted testimony, documents and correspondence presented along with the recommendations for approval by the Planning Commission and staff and makes the following findings with respect to Application Z-272(C). The proposed change to the sketch plan does not include a change of use and does not request a change in the total developable square footage. The request is to take 355,000 square feet from the Meadows section and transfer the square footage to the Ridges section of the Quince Orchard Park development. The proposed change does not adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof and is not detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties. There is no overall increase in density proposed, therefore there is no increased impact to the community or transportation facilities. The road network and roadway design will remain the same and no new access points or roadways are proposed.

The permitted uses within the Meadows and Ridges are not changing, therefore the sketch plan amendment will not be incompatible or inharmonious with the other existing uses or with existing and proposed adjacent development. The relocation of the 355,000 square feet from the Meadows to the Ridges benefits the residential development of the Parklands. The Parklands is east of the Meadows section and the removal of 355,000 square feet reduces the potential development directly adjacent to the residential development.

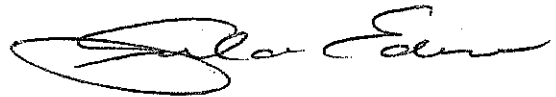
7. The proposed sketch plan amendment will not be inharmonious or inconsistent with the environmental standards of the city adopted by the City Council pursuant to Section 20-9 of the City Code and any amendments thereto. The transfer is potentially beneficial to the environmental impacts within the Quince Orchard Park development because a large portion of the Meadows is overlaid with the 100-foot stream valley buffer, the 100-year floodplain and wetlands. The transfer of square footage allows for development in a section of the Quince Orchard Park development that has less environmental constraints.

8. Based upon the evidence of record, the City Council finds and ordains that approval of the amendment to the Quince Orchard Park Sketch Plan Z-275(C) will provide for a comprehensive and systematic development of the City; is capable of accomplishing the purposes of the MXD Zone, does not adversely affect the health or safety of persons residing or working in other sections of this development or in the neighborhood thereof.

The approval of this Sketch Plan Amendment will not be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties, will not be incompatible or inharmonious with the other existing uses or with existing and proposed adjacent development and will not be inharmonious or inconsistent with the environmental standards of the city. For the reasons stated above, application Z-275(C) is granted and the accompanying sketch plan, as amended, is approved subject to the following conditions:


1. The proposed range of square footage allowed within the Meadows is to be revised from 245,000 - 545,000 square feet to 150,000 - 325,000 square feet;
2. The permitted building height of 5-10 stories within the Meadows section is to be revised to 3-8 stories subject to the further condition that any building above six (6) stories must be located furthest from the residential development to increase the separation between any building and the adjacent residential uses to allow for more green area.
3. The Annexation Agreement shall be amended within 120 days of the date of adoption of this ordinance to reflect the changes approved by the sketch plan.

ADOPTED by the City Council this 17<sup>th</sup> day of December, 2001.



GERALDINE EDENS  
Council Vice President

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 17<sup>th</sup> day of December, 2001. APPROVED by the Mayor of the City of Gaithersburg, this 17th day of December, 2001.



GERALDINE EDENS  
Council Vice President

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled, on the 17th day of December, 2001 and that the same was approved by the Mayor of the City of Gaithersburg on the 17th day of December, 2001. This Ordinance will become effective on the 7<sup>th</sup> day of January, 2002.



David B. Humpton, City Manager

## FOURTH AMENDMENT TO ANNEXATION AGREEMENT

X-129

THIS FOURTH AMENDMENT TO ANNEXATION AGREEMENT, is made this 11 day of MARCH, 2002, by and between the CITY OF GAITHERSBURG, MARYLAND, a municipal corporation (hereinafter referred to as "CITY"); and GENERAL ELECTRIC REAL ESTATE CREDIT CORPORATION (hereinafter referred to as "GERECCO").

WHEREAS, GERECCO is the owner of certain undeveloped parcels of land that are part of the property annexed by the City in October, 1982 as part of Annexation Application No. X-129; and

WHEREAS, the property described in Annexation Application No. X-129 was the subject of the terms and conditions of an Annexation Agreement ("Agreement") dated October 22, 1982 between CITY and GERECCO's predecessor in title; and

WHEREAS, said Annexation Agreement has been amended three times as follows:

1. August 5, 1991, the "First Amendment"
2. March 19, 1996, the "Second Amendment"
3. September 15, 1998, the "Third Amendment"; and

WHEREAS, the parties hereto are desirous of amending the Annexation Agreement a fourth time because to do so would be in the public interest; and

NOW THEREFORE, in consideration of the mutual promises and covenants stated herein, the parties agree as follows:

- I. Exclusive of buildings already constructed or approvals already received, the property of GERECCO may be developed with up to 850,000 square feet of allowable floor area of "Intended Uses" or "Other Uses" as defined in the Agreement, or in the form of





residential development in accordance with a conversion formula contained in the March 19, 1996 Amendment.

- II. The timing of the new development described in Paragraph 1 above is subject to the following phasing requirements, which supersede and replace the phasing requirements in prior amendments:

EVENT

ADDITIONAL ALLOWABLE FLOOR  
SPACE BECOMES AVAILABLE

- |   |            |
|---|------------|
| A. Recordation of a plat of dedication for the right-of-way for Orchard Ridge Road from its present point of dedication and termination to its point of intersection with Great Seneca Highway. | 275,000 SF |
| B. Upon acceptance by the CITY of an adequate bond and initiation of construction of two lanes of Orchard Ridge Road extended beyond its termination point as of the date of this Amendment     | 275,000 SF |
| C. Upon dedication to public use, or conveyance to CITY, of the following as shown on Exhibit A attached hereto and incorporated herein by reference  | 150,000 SF |
1. 6.2 ± acres for transit right-of-way; and
  2. 10.16± acres for transit station and related facilities.
  3. Said areas described in paragraph II.C.1 and 2 above will be subject to the following terms and conditions:
    - (a) If the property described in paragraph II.C.1 and 2 is not used for public purposes, or is not sold by CITY, then title shall revert to GERECCO or its successors or assigns.

- (b) If the 1.72 acre proposed transit way station area portion of the property described in paragraph II.C.1 and 2 (see "Area Exhibit" attached) is sold by CITY, the conditions of sale shall require the following:
- (i) The property will be sold only to adjacent landowner sharing a common property line with the land to be conveyed; and
  - (ii) Use of said property will be restricted to open space, or accessory use with minimal density, and there will be no other building density associated with the land area, either on the property conveyed or on adjacent property; and
  - (iii) The net proceeds from said sale shall be shared equally by CITY and GERECCO or its successors and assigns.
4. GERECCO or its successors or assigns will consent to any modifications in transit right-of-way alignments south of Orchard Ridge Drive that may affect Parcels H or K as shown on Exhibit A. Changes to the configuration of Parcels H and/or K caused by such shifts shall be incorporated in a site plan amendment to be submitted to the CITY by GERECCO or its successors or assigns.
5. Both parties agree that there will be no shift of the transit right-of-way alignment or station location that would alter site plans with final approval as of the date of this Amendment, with the exception of Parcels H and/or K.

6. Any property acquisition required due to shifts in alignments or transit facilities locations that reduces the acreage of Commercial Area "3" (as identified on Exhibit A attached) below 9.1 contiguous acres of area must be purchased by the State or its designee.

7. Development of additional allowable floor space available under Section II.C and all later phasing sections of this Amendment shall not include any residential development within the area of "Quince Orchard Park" known as "The Meadows."

D. When transit operations commence at the station located in "Quince Orchard Park"

150,000 SF

1. Alternatively, if GERECCO, or its successors or assigns, wishes to proceed with development of additional allowable floor space before the Quince Orchard Park transit station is in operation, then the additional allowable floor space described in this Section II.D will be available upon completion of the following:

(a) Payment to CITY of \$4.00 per square foot of allowable building space, to be applied to transportation network improvements.

(1) The charge of \$4.00 for the additional floor space available in this paragraph II.D. will be increased beginning on the eleventh anniversary date of this Amendment by the percent in the level of the annual average of the Bureau of Labor Statistics, Consumer Price Index

- All Urban Consumers (CPI-U)  
(All items) for the AM US City  
Average for 2011 and utilizing  
2011 as the base year and

- (b) Participation in a transportation management program intended to reduce peak hour trip generation from the additional allowable floor space available in Section II.D. by a percentage to be determined at the time of final site plan review but to be not more than 7%.
- E. After commencement of operation of the transit system, GERECCO may apply to receive additional allowable floor space. The City Council will determine whether to award additional allowable floor space based on the performance of the transit system. If the handling capacity of the transit system is deemed inadequate to support the requested additional allowable floor space, the City Council may consider the effect to be achieved by alternative transportation network improvements. For purposes of funding such transportation network improvements, an appropriate tax, charge or fee may be assessed by the CITY.
- III. All provisions of the Agreement and Amendments thereto not modified by this Amendment remain in full force and effect.

CITY OF GAITHERSBURG

By: 

GENERAL ELECTRIC REAL ESTATE  
CREDIT CORPORATION


By: 

STATE OF MARYLAND  
COUNTY OF MONTGOMERY

to wit:

On this 13<sup>th</sup> day of March, 2002, before me, a notary public in and for the state and county aforesaid, personally appeared David B. Hampton who acknowledged himself/herself to be the City Manager of the City of Gaithersburg, and as such officer, being authorized so to do, executed this Amended Annexation Agreement for the purposes therein contained by signing his or her name as David B. Hampton on behalf of the City of Gaithersburg.

Witness my hand and Notarial seal.

  
Notary Public

My Commission Expires: March 1, 2004

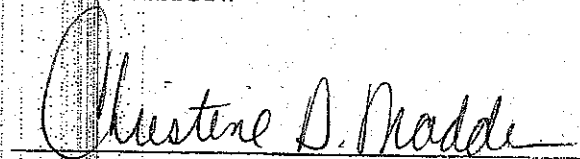
Doris Renee Stokes  
Notary Public, State of Maryland  
County of Montgomery  
My Commission Expires March 1, 2004

STATE OF Penn  
COUNTY OF Phila

to wit:

On this 11<sup>th</sup> day of March, 2002, before me, a notary public in and for the state and county aforesaid, personally appeared Stephen Gilbert who acknowledged himself/herself to be an officer of GENERAL ELECTRIC REAL ESTATE CREDIT CORPORATION, a New York State corporation, and that he/she, as such officer, being authorized so to do, executed this Amended Annexation Agreement for the purposes therein contained, by signing the name of the corporation himself/herself as officer of GENERAL ELECTRIC REAL ESTATE CREDIT CORPORATION.

Witness my hand and Notarial seal.

  
Notary Public

My Commission Expires: \_\_\_\_\_

COMMISSIONER OF DEEDS  
CHRISTINE D. MADDEN  
Commonwealth of Pennsylvania  
My Commission Expires Nov. 19, 2004

## FIFTH AMENDMENT TO ANNEXATION AGREEMENT

### X-129

THIS FIFTH AMENDMENT TO ANNEXATION AGREEMENT, is made this 11<sup>th</sup>  
\_\_\_\_\_ day of March, 2002, by and between the CITY OF GAITHERSBURG, MARYLAND, a  
municipal corporation (hereinafter referred to as "CITY"); and GENERAL ELECTRIC REAL  
ESTATE CREDIT CORPORATION (hereinafter referred to as "GERECCO").

WHEREAS, GERECCO is the owner of certain undeveloped parcels of land that are part  
of the property annexed by the City in October, 1982 as part of Annexation Application No. X-  
129; and

WHEREAS, the property described in Annexation Application No. X-129 was the  
subject of the terms and conditions of an Annexation Agreement ("Agreement") dated October  
22, 1982 between CITY and GERECCO's predecessor in title; and

WHEREAS, said Annexation Agreement has been amended four times as follows:

1. August 5, 1991, the "First Amendment"
2. March 19, 1996, the "Second Amendment"
3. September 15, 1998, the "Third Amendment";
4. March 11, 2002, the "Fourth Amendment"; and


WHEREAS, the parties hereto are desirous of amending the Annexation Agreement a  
fifth time to further clarify the road construction responsibilities of GERECCO because to do so  
would be in the public interest; and

NOW THEREFORE, in consideration of the mutual promises and covenants stated  
herein, the parties agree to amend the Annexation Agreement, as previously modified, in the  
following manner:



1. Add a new paragraph that would follow paragraph "II" in the Fourth Amendment dated March , 2002 that would read as follows:  
  
III. Before GERECCO may receive an occupancy permit for additional allowable floor space in excess of One Million One Hundred Thousand square feet (1,100,000 SF) within "Quince Orchard Park," it must complete construction and paving, to CITY'S specification and for CITY's acceptance, the remaining unbuilt two lanes of Orchard Ridge Road from its terminus as of the date of this Amendment through to its intersection with Great Seneca Highway.
2. All provisions of the Agreement and Amendments thereto not modified by this Amendment remain in full force and effect.

CITY OF GAITHERSBURG

By: 

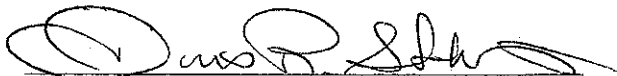
GENERAL ELECTRIC REAL ESTATE  
CREDIT CORPORATION

By: 

STATE OF MARYLAND )  
COUNTY OF MONTGOMERY ) to wit:

On this 13<sup>th</sup> day of March, 2002, before me, a notary public in and for the state and county aforesaid, personally appeared David B. Hampton who acknowledged himself/herself to be the City Manager of the City of Gaithersburg, and as such officer, being authorized so to do, executed this Amended Annexation Agreement for the purposes therein contained by signing his or her name as David B. Hampton on behalf of the City of Gaithersburg.

Witness my hand and Notarial seal.



Notary Public

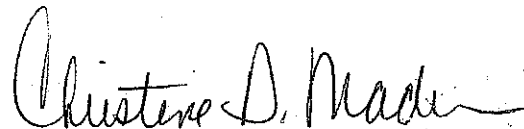
My Commission Expires: March 1, 2004

Doris Renee Stokes  
Notary Public, State of Maryland  
County of Montgomery  
My Commission Expires March 1, 2004

STATE OF Penn )  
COUNTY OF Phila ) to wit:

On this 11<sup>th</sup> day of March, 2002, before me, a notary public in and for the state and county aforesaid, personally appeared Stephen Gilbert who acknowledged himself/herself to be an officer of GENERAL ELECTRIC REAL ESTATE CREDIT CORPORATION, a New York State corporation, and that he/she, as such officer, being authorized so to do, executed this Amended Annexation Agreement for the purposes therein contained, by signing the name of the corporation himself/herself as officer of GENERAL ELECTRIC REAL ESTATE CREDIT CORPORATION.

Witness my hand and Notarial seal.



Notary Public

My Commission Expires: \_\_\_\_\_

COMMISSIONER OF DEEDS  
CHRISTINE D. MADDEN  
Commonwealth of Pennsylvania  
My Commission Expires Nov. 19, 2004





RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR SCHEMATIC DEVELOPMENT PLAN SDP-01-002, KNOWN AS MEDIMMUNE PHASE I, IN THE RIDGES SECTION OF THE QUINCE ORCHARD PARK DEVELOPMENT ZONED MIXED USE DEVELOPMENT (MXD). APPROVAL OF THIS SCHEMATIC DEVELOPMENT PLAN PERMITS CONSTRUCTION OF A THREE-FIVE STORY 210,000 SQUARE FOOT OFFICE/LABORATORY BUILDING AND THREE LEVEL PARKING GARAGE

SDP-01-002

OPINION

This matter has come before the Mayor and City Council for approval of a schematic development plan (SDP) for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the City Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures, and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 10.99 acres (or 478,992 sq. ft.) of land and concerns the development of the Ridges Section, Quince Orchard Park development. The SDP application was submitted to the City Planning and Code Administration, and City Planning Commission on April 6, 2001. This application was designated as SDP-01-002 and presently requests approval for the development of a three (3) to five (5) story 210,000 square feet office/laboratory building, a three (3) level parking garage, surface parking and relevant landscaping and site improvements.

OPERATIVE FACTS

A. Background

The subject property ("Property") was annexed into the City of Gaithersburg on October 22, 1982 as part of an annexation agreement in conjunction with the approval of Annexation Application X-129 to annex approximately 212 acres of land and to simultaneously classify it in its entirety in the I-3 Zone. The annexation agreement has twice been amended on August 5, 1991 and on March 19, 1996.

On December 20, 1993, the Property was rezoned as part of the Zoning Map Amendment application Z-275 approved by the Mayor and Council to rezone 173.87

acres known as the Quince Orchard Park property to MXD (Mixed Use Development) and further to approve a sketch plan. The Property is located in the Ridges section of the approved sketch plan.

The Ridges section consists of approximately 34.9 acres of land and is approved for 300,000 square feet to 500,000 square feet of office on the adopted Sketch Plan. Existing within the Ridges section is a 105,000 square foot, 3 story office building. The 1997 Master Plan for the area affixed a commercial/industrial/research/office land use designation to the Ridges section.

**B. Current Application:**

On April 6, 2001, the applicant, Quadrangle Development Corporation submitted the Schematic Development Plan (SDP) SDP-01-002, known as Medimmune - Phase I, for the Ridges section of the Quince Orchard Park development in Gaithersburg, Maryland. The SDP requests approval for the development of a three (3) to five (5) story 210,000 square feet office/laboratory building, a three (3) level parking garage, surface parking and relevant landscaping and site improvements. The parcel is adjacent to and north of Great Seneca Highway and south of Orchard Ridge Drive in the Ridges section of the park in the Mixed Use Development Zone.

The Mayor & Council and Planning Commission held their Joint Public Hearing on May 7, 2001 at which time evidence was received on the subject application. The applicant presented the architectural design and site plan for the proposed SDP development and discussed Medimmune's decision to relocate their corporate headquarters and research and development facility to Quince Orchard Park. The overall development of the Medimmune project is for a 750,000 square foot facility with two parking garages and surface parking to be developed in three (3) phases. The proposal before the Mayor & Council and Planning Commission is for Phase I development of 210,000 square feet, 150,000 square feet of office, and the remainder for laboratory purposes. The Phase I development is within the confines of the overall Quince Orchard Park development of the approved sketch plan and the 300,000 – 500,000 square feet of development permitted in the Ridges section. With the existing 105,000 square foot office building and the proposed 210,000 square foot office/laboratory building, the Ridges section of the Quince Orchard Park development is still permitted 185,000 square feet of development.

The Mayor and Council and Planning Commission all concurred that they would like the opportunity to review the plan as a whole (SDP Amendment and Sketch Plan), not in phases. The Mayor and Council and Planning Commission had concerns with the structure and surface parking, access roads, major traffic, and architectural design and height of the proposed building. Staff was directed to schedule a work session to review the SDP in its entirety and to address the above concerns.

The Mayor & Council and Planning Commission held a Joint Work Session on May 29, 2001. Staff presented the proposed SDP and building elevations and requested that the sketch plan be amended to allow for the total square footage that the total project proposed by Medimmune would require. The concerns with the structure and surface parking, access roads, major traffic, and architectural design and height of the proposed

building of the Mayor and Council and the Planning Commission were discussed as well as concerns with the phasing of the development and the rooftop ventilation stacks.

The Planning Commission reviewed the proposed SDP at their June 6, 2001 meeting, at which time they closed the record. Based on their review of the evidence, the Planning Commission forwarded their recommendation of approval to the Mayor and City Council, with the following conditions.

1. Obtain approval from MTA regarding access through the designated site for the Transit Station.
2. Obtain approval of the final forest conservation plan from Staff. No disturbance to the stream valley buffer, wetlands and floodplains is proposed or permitted on site.
3. Provide pedestrian connections to future transit station, Orchard Ridge Drive and Great Seneca Highway.
4. Provide an access and circulation study for the site at the final development stage. The study must be reviewed and approved by Staff and PWPME to the Orchard Ridge Drive/two access drives, Great Seneca Highway/access drive and Great Seneca Highway/Orchard Ridge Drive intersections.

The Mayor and Council closed their record on June 18, 2001. Based on their review of the evidence of record, including the recommendation of the Planning Commission, Staff was directed to prepare a resolution approving the SDP amendment with the findings, conclusions and recommendations of approval by the City Planning Commission and City staff.

### C. Evaluation and Findings

In reviewing the subject application for approval of SDP-01-002, the City Council finds the proposal to be substantially in accordance with all of the requirements of the Mixed Use Development (MXD) Zone that are set forth in Chapter 24 Article III Division 19 of the City Zoning Ordinance. The City Council also finds the subject application in accordance with the Neighborhood Four Master Plan, and the principles established for development in the City's Smart Growth Policy element of the Master Plan. The City Council agrees with the findings, conclusions and recommendations of approval by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action.

The City Council finds that the proposed 210,000 square feet of development, in conjunction with existing development, is substantially in accord with the approved sketch plan. The combined total development is well within the 300,000 to 500,000 square feet of office space on the adopted Sketch Plan. It is, further, the City Council's finding that SDP-01-002, Medimmune-Phase I, as proposed in its current form which includes a three (3) to five (5) story 210,000 square feet office/laboratory building, a three (3) level parking garage, surface parking and relevant landscaping and site improvements is compatible and harmonious with existing and planned uses in the subject site and adjacent areas, in terms of the nature and intensity of uses, their location and interrelationship with community features of the subject site and adjacent areas. The subject SDP is harmoniously integrated in an orderly fashion into the overall comprehensive planning and development envisioned for this area. The City Council believes that the overall

density, office/laboratory use and siting of the office/laboratory building and parking structure and environmental preservation features provide a compatible and environmentally sensitive form of development.

The City Council further finds that the level of development reflected by this SDP can be accommodated adequately by existing and planned public facilities. There is no evidence to indicate that public water, sewer, and school facilities could not adequately handle the needs of this development.

In conclusion, the City Council finds SDP-01-002, as submitted in accordance with Section 24-160D.9 and hereunto conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject SDP conforms to the sketch plan, has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the Neighborhood Four Land Use Plan, the Smart Growth Policy element of the Master Plan, as well as generally accepted city planning and land use policies, subject to the applicant complying with the conditions stated in this Resolution.

#### SCHEMATIC DEVELOPMENT PLAN (SDP-01-002)

#### RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the City Council of Gaithersburg, that SDP-01-002, being an application filed by Quadrangle Development Corporation, requesting approval of Medimmune-Phase I located within the Ridges section of the Quince Orchard Park development, that consists of the above office/laboratory building, and parking garage, is hereby approved with the following conditions.

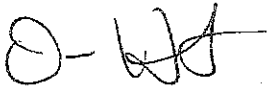
1. Obtain approval from MTA regarding access through the designated site for the Transit Station.
2. Obtain approval of the final forest conservation plan from Staff. No disturbance to the stream valley buffer, wetlands and floodplains is proposed or permitted on site.
3. Provide pedestrian connections to future transit station, Orchard Ridge Drive and Great Seneca Highway.
4. Provide an access and circulation study for the site at the final development stage. The study must be reviewed and approved by Staff and PWPME to the Orchard Ridge Drive/two access drives, Great Seneca Highway/access drive and Great Seneca Highway/Orchard Ridge Drive intersections.

ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 2<sup>nd</sup> day of July, 2001.



SIDNEY A. KATZ, Mayor and  
President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City  
Council in public meeting assembled on  
the 2<sup>nd</sup> day of July, 2001.



David B. Humpton, City Manager

April 16, 2003

Anne Houve  
Legal Ads Department  
The Montgomery Journal  
6408 Edsall Road  
Alexandria, Virginia

Dear Ms. Houve:

Please publish the following legal advertisement in the **April 18, 2003 and April 25, 2003** issues of The Montgomery Journal.

Sincerely,

Mark A. DePoe  
Long Range Planning Director

ASSIGN CODE: SDP-03-003 ACCTNO. 133649

#### NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Schematic Development Plan application SDP-03-003, filed by Medimmune Inc., on

MONDAY  
MAY 5, 2003  
AT 7:30 P.M.

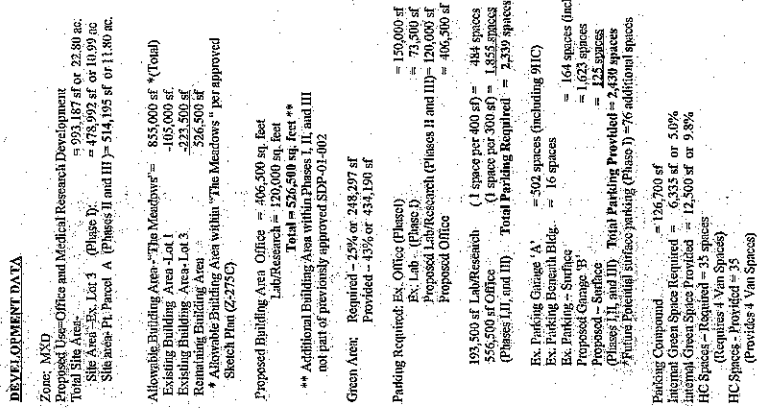
or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests approval of a Schematic Development Plan (SDP), known as Medimmune – Phase II and III, in the Quince Orchard Park development in Gaithersburg, Maryland. The plan includes a 3 to 5 story office/laboratory building, a 5 level parking garage with approximately 1,623 spaces and surface parking on 22.80 acres (or 993,187 square feet) of land. The 22.80 acre parcel is adjacent to and north of Great Seneca Highway and south of Orchard Ridge Drive in the Ridges section of the Quince Orchard Park development in the Mixed Use Development (MXD) Zone.

Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Mark A. DePoe  
Long Range Planning Director





**CITY OF GAITHERSBURG PLANNING COMMISSION**  
31 SOUTH SUMMIT AVENUE, GAITHERSBURG MARYLAND 20877  
**SCHEMATIC DEVELOPMENT PLAN**  
**APPROVAL**  
AT THE REGULARLY SCHEDULED MEETING OF MAYOR & CITY COUNCIL HELD ON \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ WAS GRANTED \_\_\_\_\_  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
**NOTE:** ANY REVISIONS TO SIGNED PLANS MUST BE APPROVED BY THE MAYOR & CITY COUNCIL.

**NOTE:** ANY REMISIONS TO SIGNED PLANS MUST BE APPROVED BY THE MAYOR & CITY COUNCIL.

**SCHEMATIC DEVELOPMENT PLAN**  
The Ridges—Phases I, II and III

**QUINCE ORCHARD PARK**  
MEDIMMUNE INC. CAMPUS

City of Gaithersburg  
MARYLAND

Macris, Hendricks & Glascock, P.A.  
Engineers • Planners • Surveyors

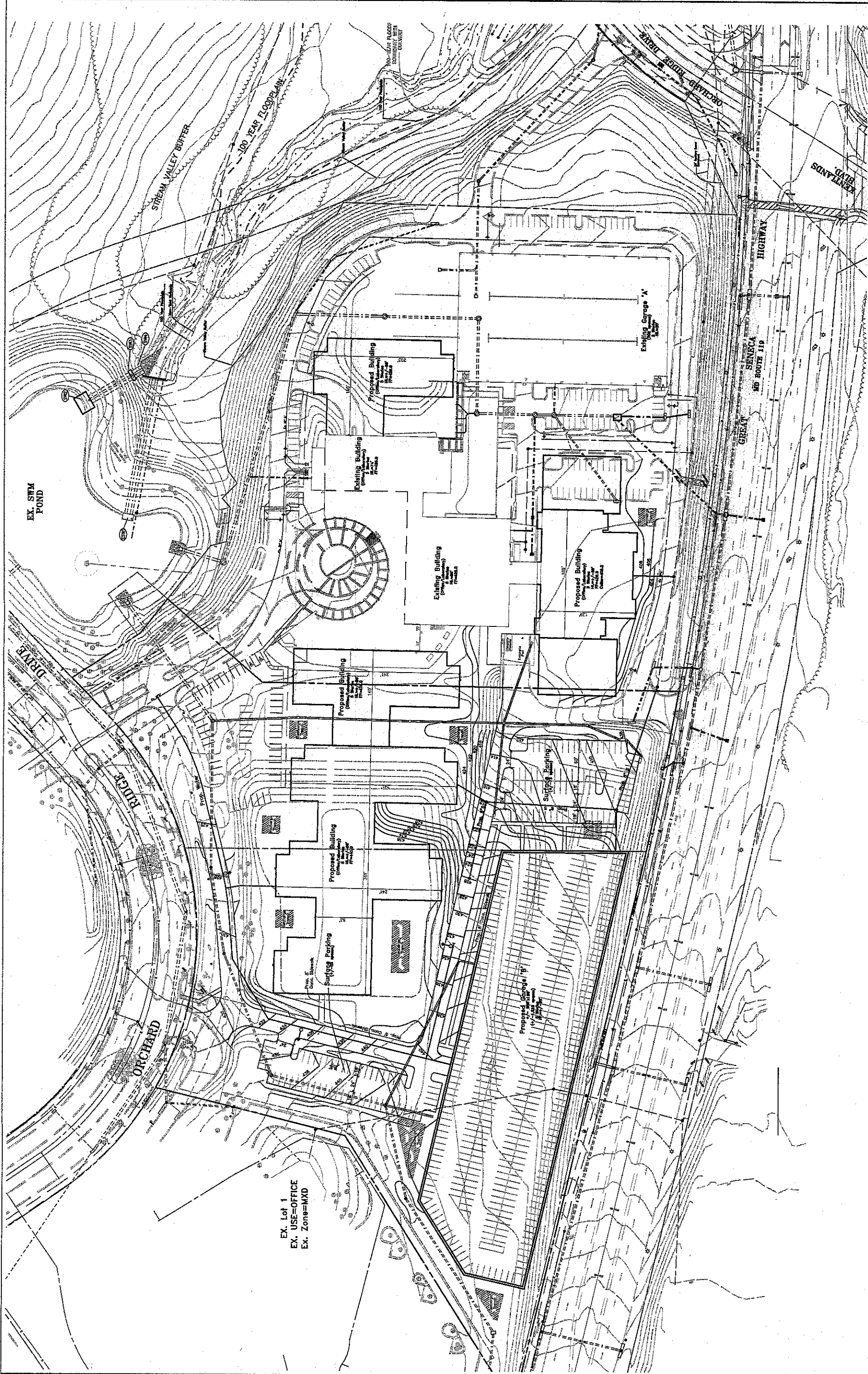
**(301) 670-0840**  
**Suite 120**  
**9220 Wightman Road**  
**Gaithersburg, Maryland**  
**20879**

[illegible]

GRAPHIC SCALE  
( IN FEET )  
1 inch = 200 ft.


MediMatrix, Inc.





**NOTES:**

1. For Site Details of see sheet C-20
2. Cuts, gutters, sidewalks, and paving shall be installed in such a manner as to provide positive drainage of all areas so there is no accumulation of surface water.
3. All perimeters, paving edges and islands shall be curbed.
4. All Fording, Storm Drain, Utility and Improvements on the Parcel are Private and the Maintenance to be the Responsibility of the Owner.
5. The maximum permitted grade on lot is 3.1. The Contractor must adjust any slope as necessary to meet Existing Grade.

**GRAPHIC SCALE**

(in feet)

1 inch = 50 ft

NO.	DATE	DESCRIPTION	BY

**QUINCE ORCHARD PARK**

**THE RIDGES**

**SCHEMATIC DEVELOPMENT PLAN**

**MEDIMMUNE - PHASES II and III**

**Galliersburg**

**MARYLAND**

**Macoris, Hendricks & Glascock, P.A.**

**Engineers • Planners • Surveyors**

**9220 Wightman Road**

**Galliersburg, Maryland**

**20874**

**(301) 970-0840**

**DESIGNED**

**DATE**

**SCALE**

**SHEET**

**4/11/03**

**1"=50'**

**2** of 5

A MARYLAND REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SEAL AND SIGNATURE ON PLANS WILL BE ACCEPTED AS PROOF OF EVIDENCE THAT PLANS ARE IN CONFORMANCE WITH APPLICABLE CODES AND REGULATIONS

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The contractor shall be responsible for the location of all underground utilities in the area of proposed excavation and have these utilities located by the utility companies prior to commencing excavation. The contractor is responsible for complying with requirements of Chapter 28A of the Montgomery County Code.







